

PATENT
450100-4487

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 3-5, 7, 9-11, 13 and 17-28 are pending. Claims 1, 7, 13, 21, and 25, which are independent, are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

Claims 21-24 were objected to due to an informality. The amendments herein obviate this objection.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 3-5, 7, 9-11, 13, 19-21, 23-25, and 27-28 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,088,722 to Herz et al. and in view of U.S. Patent No. 6,029,176 to Cannon.

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Claims 17-18, 22, and 26 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,088,722 to Herz et al. and in view of U.S. Patent No. 6,029,176 to Cannon and further in view of U.S. Patent No. 6,469,753 to Klosterman.

As understood by Applicants, U.S. Patent No. 6,088,722 to Herz et al. (hereinafter merely "Herz") is related to scheduling the receipt of desired movies and other forms of data from a network, which simultaneously distributes many sources of such data to many customers, as in a cable television system. Customer profiles are developed for the recipient describing how important certain characteristics of the broadcast video program, movie, or other data are to each customer.

As understood by Applicants, U.S. Patent No. 6,029,176 to Cannon (hereinafter, merely "Cannon") relates to retrieving, manipulating, and analyzing large quantities of computer-based data relevant to television-viewing consumers.

Claim 1, as amended, recites, *inter alia*:

"...wherein said group user model is employed to retrieve information in accordance with one of a plurality of user-selectable modes,

wherein said plurality of user-selectable modes includes a maximum value mode, a minimum value mode, and an average value mode..." (emphasis added)

Applicants respectfully submit that nothing has been found in Herz or Cannon that would teach or suggest the above-identified features of claim 1. Therefore, claim 1 is patentable. For reason similar to those above, claims 7, 13, 21, and 25 are also believed to be patentable.

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Applicants respectfully submit that Klosterman does not provide the disclosure missing in Herz and Cannon.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,
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